

REMARKS

Claims 1-15 remain pending in this application.

No new issues are raised, nor is further search required, as a result of the amendments and remarks made herein. It is therefore respectfully requested that the Amendment be entered.

Moreover, it is respectfully submitted that the finality of the Office Action is improper and should therefore be withdrawn. In particular, the Examiner has presumably agreed with the arguments presented by the Applicants in the last Amendment, and now relies on NEW ART in support of rejections of the claims. However, none of the amendments made to the claims in the last amendment necessitated the new art. The present Office Action is the first opportunity that the Applicants have to respond to this new art, which could have been cited by the Examiner in the first Office Action. Finality of the application at this stage gives the Applicants no non-final opportunity to respond to this new art. The finality is improper, and should be withdrawn.

Claims 1-6, 8-10 and 12 over Koyama in view of Gunn

In the Office Action, claims 1-6, 8-10 and 12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated over Koyama, U.S. Patent No. 5,894,505 ("Koyama") in view of U.S. Patent No. 5,905,794 to Gunn et al. ("Gunn"); and claims 7 and 11-15 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koyama in view of Gunn and further in view of U.S. Patent No. 6,128,382 to Borland et al. ("Borland"). The Applicants respectfully traverse the rejections.

It is respectfully suggested that the need to combine as many as three separate references to allegedly arrive at the present invention speaks to the non-obviousness of the present invention, not to the obviousness as the Examiner alleges.

ALL claims, claims 1-15, require answering a call from a calling party before reception of any ring signal is received by a voice messaging system. This is an important feature of the present invention. NONE of the cited

art discloses, teaches or suggests **answering** a call before a ring signal is received.

Koyama teaches that when a calling party calls a telephone answering machine, a polarity reverse signal is transmitted to the telephone answering machine indicating a transmission of calling party information (Koyama, col. 10, lines 3-8). A main control unit generates a communication path to an exchange, to make the calling party information reception unit receive calling party information (Koyama, col. 10, lines 22-27). Certainly the Examiner understands that reception of calling party information (e.g., Caller ID information) is NOT answering a call.

According to Koyama, after reception of the calling party information is completed (which as the Examiner would appreciate is STILL BEFORE the call is answered), then a ring signal IS RECEIVED by the answering machine.

In fact, Koyama teaches AWAY FROM the present invention. For instance, if the call is answered before completion of the calling party information as the Examiner appears to be suggesting, the calling party information would NOT be received. Certainly Koyama provides no motivation for NOT receiving calling party information.

Koyama teaches diverting an incoming call to an exchange, where calling party information is detected **prior** to answering a call and **prior** to forwarding the incoming call to a voice messaging system. If Koyama were to do otherwise, calling party information would not be received and an incoming call could not be forwarded.

The Examiner agrees that Koyama fails to teach an important feature of the present invention: that it “fails to disclose answering the incoming call before reception of an initial ring signal.” (Office Action at 3)

The Examiner newly cites Gunn for allegedly teaching a “system to answer the incoming call before reception of an initial ring signal (column 4, line 11 “line reversal”) relating to the incoming call by the system (column 4, lines 11-17) [The processor allow[s] the decoder to read the caller identification information before answering the calling party].

The Examiner appears to be confusing answering a call with reception of Caller ID information. Gunn fails to disclose, teach or suggest answering a call before receipt of a ring signal.

If a call is answered before Caller ID information is received, the Caller ID information would not be received. That's largely because the CAS tones used to transmit Caller ID information would be audible to the parties and be quite disturbing to hear.

Moreover, Caller ID information is transmitted AFTER a first ring signal is received. Caller ID information is conventionally transmitted between the first and second rings. Gunn teaches nothing more than receipt of Caller ID type information by the use of a line reversal. (Gunn, col. 4, lines 10-16)

Neither Koyama nor Gunn, either separately or in combination, teach answering a call from a calling party before reception of any ring signal is received by a voice messaging system, as importantly recited by claims 1-15 of the present invention.

Accordingly, for at least all the above reasons, claims 1-6, 8-10 and 12 are patentable over Koyama and Gunn. It is therefore respectfully requested that the rejection be withdrawn.

The Examiner goes on to reject claims 7 and 11-15 in view of Koyama, Gunn AND Borland. The Examiner cites Borland for allegedly teaching "inputting a request for a transmission of the non-ring signal from a calling party's telephone (column 7, lines 24-35). (Office Action at 9)

Claims 7 and 11 are dependent on claims 4 and 8 respectively, and are allowable for at least the same reasons as claims 4 and 8.

As discussed above, both Koyama and Gunn fail to teach a voice messaging system that answers an incoming call before receipt of a ring signal, as claimed by claims 7 and 11-15.

The Examiner cites Borland for allegedly teaching "inputting a request for a transmission of the non-ring signal from a calling party's telephone.

Borland appears to teach a telephone system that enables a caller to leave a message on a telephone without the telephone first generating a ring sound (Abstract). According to Borland, a telephone receives an incoming

telephone call from a caller, and if a ring/message option feature is enabled, the telephone **answers** the incoming call prior to the telephone generating a ring sound and allows the caller to then leave a message (Borland, Abstract). However, Borland answers the telephone AFTER receipt of a ring signal, just as does Koyama and Gunn.

Borland merely teaches a telephone answering machine with the option to leave messages without first outputting an audible ring to announce an incoming call. Nevertheless, at that point, Borland teaches prior receipt of a ring signal. Borland fails to teach a voice messaging system that answers an incoming call before receipt of a ring signal, as claimed by claims 7 and 11-15.

Neither Koyama, Gunn nor Borland, either alone or in combination, disclose, teach or suggest a voice messaging system that actually **answers** an incoming call before receipt of a ring signal, as claimed by all claims 1-15.

Accordingly, for at least all the above reasons, claims 1-15 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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